APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,919	11/15/2001	Seung-Taek Hyon	678-674(P9693)	5088

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EXAMINER
NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
2687	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/002,919	HYON, SEUNG-TAEK
	Examiner	Art Unit	
	Khai M Nguyen	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2001*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-21* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office Action is response to Amendment filed on 09/13/2004.

Claims 1-21 are pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-21 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lavince et al. (U.S. Pub-20010049596) further in view of Liles et al. (U.S. Pat-5880731).

Regarding claim 1, Lavince teaches an emoticon input method in a mobile

terminal (paragraph 0017), comprising the steps of:

entering an emoticon input mode (paragraph 0038, 0040);

displaying the stored emoticons in an emoticon input mode (fig.2, fig.3, abstract, paragraph 0050);

selecting an emoticon (paragraph 0041-0042, 0050); and

Lavince fails to specifically disclose the method of storing a plurality of emoticons in the mobile terminal, and storing as part of a short message the emoticon selected by a user. However, Liles teaches the method of storing a plurality of emoticons in the mobile terminal (col.3, lines 33-41, col.3, line 58 to col.4, line13), and storing as part of a short message the emoticon selected by a user (fig.2, fig.3-4c, element 37, 51, col.5, lines 43-62, col.6, lines 34-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use the method of storing a plurality of emoticons in the mobile terminal, and storing as part of a short message the emoticon selected by a user as taught by Liles with Lavince teaching in order to provided the participant with a plurality of avatars and enabled to select the avatar.

Regarding claim 2, Lavince and Liles further teaches the emoticon input method of claim 1, wherein the emoticons are stored in the form of a bit map (fig.3, col.6, lines 50-67).

Regarding claim 3, Lavince and Liles further teaches the emoticon input method of claim 1, wherein the emoticons are formed by utilizing a plurality of typical characters and special characters in combination (fig.5, paragraph 0047-0055, col.7, lines 44-64).

Regarding claim 4, Lavince and Liles further teaches the emoticon input method of claim 1, further comprising the step of transmitting an SMS (Short Message Service) message including the stored emoticon (paragraph 0007).

Regarding claim 5, Lavince and Liles further teaches the emoticon input method of claim 1, wherein the emoticons are stored by a manufacturer in the process of manufacturing (fig.5, element 52, abstract, paragraph 0039).

Regarding claim 6, Lavince and Liles further teaches the emoticon input method of claim 1, wherein the emoticons are created and stored by the user (paragraph 0064, col.3, lines 32-41).

Regarding claim 7, Lavince and Liles further teaches the emoticon input method of claim 1, wherein the emoticons are received from a base station and stored in the mobile terminal (paragraph 0012, col.6, lines 34-49).

Regarding claim 8, Lavince and Liles further teaches the emoticon input method

of claim 1, wherein the emoticons are downloaded into the mobile terminal from the

Internet and stored in the mobile terminal (paragraph 0012, col.3, line 58 to col.4, line

13).

Regarding claim 9, Lavince and Liles further teaches the emoticon input method

of claim 1, further comprising the step of changing and editing the emoticons by the

user (fig.2-3, paragraph 0012, 0015, col.3, lines 32-41).

Regarding claim 10, Lavince teaches an emoticon input method in a mobile

terminal (paragraph 0017), comprising the steps of:

entering an emoticon input mode (paragraph 0038, 0040);

displaying the stored emoticon groups (fig.2-3, element 52, abstract, paragraph

0050-0055);

selecting an emoticon group (paragraph 0041-0042, 0050-0055);

displaying the emoticons of the emoticon group selected by a user (fig.2-3,

abstract, paragraph 0050-0055) ; and

Lavince fails to specifically disclose The method of grouping a plurality of emoticons formed by utilizing a plurality of typical characters and special characters in combination and storing the emoticons by groups in the mobile terminal, and storing an emoticon as part of a short message selected by the user. However, Liles teaches The method of grouping a plurality of emoticons formed by utilizing a plurality of typical characters and special characters in combination and storing the emoticons by groups in the mobile terminal (fig.2, fig.3-4c, col.3, line 33 to col.4, line 13, col.4, lines 50-67), and storing an emoticon as part of a short message selected by the user (fig.2, fig.3-4c, element 37, 51, col.5, lines 43-62, col.6, lines 34-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use The method of grouping a plurality of emoticons formed by utilizing a plurality of typical characters and special characters in combination and storing the emoticons by groups in the mobile terminal, and storing an emoticon as part of a short message selected by the user as taught by Liles with Lavince teaching in order to provided the participant with a plurality of avatars and enabled to select the avatar.

Regarding claim 11, Lavince and Liles further teaches the emoticon input method of claim 10, wherein the emoticons are stored by a manufacturer in the process of manufacturing (fig.5, element 52, abstract, paragraph 0039).

Regarding claim 12, Lavince and Liles further teaches the emoticon input method

of claim 10, wherein the emoticons are created and stored directly by the user

(paragraph 0064, col.3, lines 32-41).

Regarding claim 13, Lavince and Liles further teaches the emoticon input method

of any of claim 10, wherein the emoticons are received from a base station and stored

in the mobile terminal (paragraph 0012, col.6, lines 34-49).

Regarding claim 14, Lavince and Liles further teaches the emoticon input method

of claim 10, wherein the emoticons are downloaded into the mobile terminal from the

Internet and stored in the mobile terminal (paragraph 0012, col.3, line 58 to col.4, line

13).

Regarding claim 15, Lavince and Liles further teaches the emoticon input method

of claim 10, further comprising the step of changing and editing the emoticons by the

user (fig.2-3, paragraph 0012, 0015, col.3, lines 32-41).

Regarding claim 16, Lavince teaches an emoticon input method in a mobile

terminal (paragraph 0017), comprising the steps of:

forming emoticons by utilizing a plurality of typical characters (paragraph 0047-0055);

selecting at least one emoticon from the plurality of emoticons (paragraph 0050-0055); and

Lavince fails to specifically disclose storing a plurality of the emoticons, transmitting an SMS message including the at least one emoticon selected by a user. However, Liles teaches storing a plurality of the emoticons (col.3, lines 33-41, col.3, line 58 to col.4, line 13), transmitting an SMS message including the at least one emoticon selected by a user (col.7, lines 43-64, abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use storing a plurality of the emoticons, transmitting an SMS message including the at least one emoticon selected by a user as taught by Liles with Lavince teaching in order to provided the participant with a plurality of avatars and enabled to select the avatar.

Regarding claim 17, Lavince and Liles further teaches the emoticon input method of claim 16, wherein the emoticons are formed and stored by a manufacturer in the process of manufacturing (fig.5, element 52, abstract, paragraph 0039).

Regarding claim 18, Lavince and Liles further teaches the emoticon input method of claim 16, wherein the emoticons are formed and stored by the user (paragraph 0064, col.3, lines 32-41).

Regarding claim 19, Lavince and Liles further teaches the emoticon input method of claim 16, wherein the emoticons are received from a base station and stored in the mobile station (paragraph 0012, col.6, lines 34-49).

Regarding claim 20, Lavince and Liles further teaches the emoticon input method of claim 16, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal (paragraph 0012, col.3, line 58 to col.4, line 13).

Regarding claim 21, Lavince and Liles further teaches the emoticon input method of claim 16, further comprising the step of changing and editing the emoticons by the user (fig.2-3, paragraph 0012, 0015, col.3, lines 32-41).
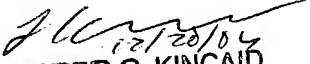
Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 703.305.9006. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 703.306.3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen   12/15/2004
Au: 2687

LESTER G. KINCAID
PRIMARY EXAMINER